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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-70419-RS
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME FROM
v.)	AUGUST 8, 2007 TO SEPTEMBER 20,
)	2007 FROM THE SPEEDY TRIAL ACT
ERNST JOHN ROHDE,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A))
Defendant.)	
)	
)	

On August 8, 2007 the parties appeared for a hearing before this Court. At that hearing, the government requested an exclusion of time under the Speedy Trial Act based upon the government needs to prepare and provide voluminous discovery and defense counsel's need to effectively prepare by reviewing discovery materials submitted by the government. At that time, the Court set the matter for a hearing on September 20, 2007.

The parties stipulate that the time between August 8, 2007 and September 20, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

1 that the ends of justice served by granting the requested continuance outweigh the best interest of
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
3 U.S.C. §3161(h)(8)(A).
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5 DATED: August 8, 2007

SCOTT N. SCHOOLS
United States Attorney

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7 /s/
JEFFREY B. SCHENK
8 Assistant United States Attorney
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10 /s/
DAN BARTON
11 Attorney for Defendant
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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between August 8, 2007 and September 20, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE